

**MORRISON & FOERSTER LLP**

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**FAX RECEIVED**

NOV 23 2001

**GROUP 3700**

**To: Kristen L. Droesch, Group 3762**  
U.S. Patent and Trademark Office

**Facsimile: (703) 305-3590**  
**Telephone: (703) 605-1185**

**From: Sanjay S. Bagade**

**Date: November 21, 2001**

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**Comments:****OFFICIAL PATENT APPLICATION COMMUNICATION**

**U.S. Patent Application No.: 09/469,717**

**Filed: December 21, 1999**

**Title: ANASTOMOSIS DEVICE (AS AMENDED)**

**By: Hugh L. NARCISO, Jr.**

**Attorney Docket No.: 353532000710**

Transmitted herewith are the following documents:

1. Transmittal Form - 1 page
2. Fee Transmittal + duplicate for fee processing - 2 pages
3. Petition for Revival of an Application for Patent Abandoned Unintentionally - 2 pages
4. Additional sheets containing statements establishing unintentional delay (letter dated November 19, 2001) - 2 pages
5. Continued Prosecution Application (CPA) Request Transmittal - 2 pages

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PTO/SB/21 (08-00)

Approved for use through 10/31/02. OMB 0851-0031

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Application Number 09/489,717

Filing Date December 21, 1999

First Named Inventor Hugh L. NARCISO, Jr.

Group Art Unit 3762

Examiner Name K. Driesch

Total Number Of Pages In This Submission

9

Attorney Docket No.

353532000710

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GROUP 3762

**ENCLOSURES (check all that apply)**☒ Fee Transmittal Form + duplicate for fee processing - 2 pages☐ Fee Attached☐ Amendment / Reply☐ After Final☐ Affidavits/declarations☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/  
Incomplete Application☐ Response to Missing Parts  
under 37 CFR 1.52 or 1.53☐ Assignment Papers  
(for an Application)☐ Drawing(s)☐ Licensing-related Papers☒ Petition (to Revive) - 2 pages☐ Petition to Convert to a  
Provisional Application☐ Power of Attorney, Revocation  
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) \_\_\_\_\_☐ After Allowance Communication to  
Group☐ Appeal Communication to Board of  
Appeals and Interferences☐ Appeal Communication to Group  
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please identify  
below):

1. Additional sheets containing statements establishing unintentional delay (letter dated November 19, 2001) - 2 pages
2. Continued Prosecution Application (CPA) Request Transmittal - 2 pages

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

Firm

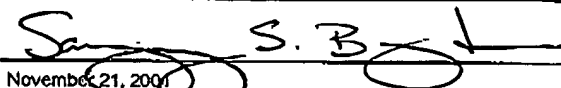
or

Individual Name

Morrison &amp; Foerster LLP, 755 Page Mill Road, Palo Alto, California 94304-1018

Sanjay S. Bagade (Reg. No. 42,280)

Signature



Date

November 21, 2001

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on November 21, 2001.

  
Laura Shires

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

PTO/SB/17 (09-00)

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# FEE TRANSMITTAL FOR FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$) 2,056.00

## Complete if Known

Application Number 09/469,717

Filing Date December 21, 1999

First Named Inventor Hugh L. NARCISO, Jr.

Examiner Name K. Droesch

Group Art Unit 3762

Attorney Docket No. 353532000710

## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit  
Account  
Number

03-1952

Deposit  
Account  
Name

Morrison &amp; Foerster LLP

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit Card ☐ Money Order ☐ Other

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	740
105	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$) 740

## 2. EXTRA CLAIM FEES

Total Claims	22	-20**	2	x	16	=	336
Independent Claims	3	-3**	0	x	84	=	\$ 0
Multiple Dependent					280	=	\$ 0

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
103	16	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 8	
104	280	204	140	Multiple dependent claims, if not paid	
109	84	209	42	**Reissue independent claims over original patent	
110	16	210	9	**Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$) 36

\*\* or number previously paid, if greater; For reissues, see above.

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,950	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	1,280
142	1,280	242	640	Utility issue fee (or reissue)	
143	480	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions of the Commissioner	
123	50	123	50	Petitions related to provisional applications	
125	180	125	180	Submission of Information Disclosure Sheet	
581	40	581	40	Recording each patent assignment per properties (times number of properties)	
148	740	248	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional claim to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 1,280

## SUBMITTED BY

Name (Print/Type)

Sanjay S. Bagade

Registration No.

42,280

(Attorney/Agent)

Complete (if applicable)

Telephone

(650) 813-5720

Signature

Date

November 21, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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pa-644455

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November 19, 2001

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By E-mail

Linda Ara  
Corvascular, Inc.  
c/o Versant Venture Capital  
3000 Sand Hill Road, Building 1, Suite 260  
Menlo Park, CA 94025

Re: 35353-20007.10 Anastomosis Device and Method  
Statement of Unintentional Abandonment of US Patent Application  
no. 09/469,717

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JAN 09 2002

OFFICE OF PETITIONS  
DEPUTY A/C PATENTS

Dear Linda,

Please sign and return this letter as confirmation that the abandonment of the above referenced application ("Patent Application") was unintentional and as confirmation of the following facts surrounding the abandonment.

i) Corvascular, Inc., the assignee of the Patent Application, ceased operations well before November 3, 2000, the mailing date of the last office action for the Patent Application. As a result of cessation of operations, no employees remained at Corvascular who were familiar with the subject matter of the Patent Application and no employee of Corvascular actively maintained watch over Corvascular's patent portfolio.

ii) You are being retained by the Board of Directors for Corvascular to act on behalf of Corvascular and facilitate the sale of its intellectual property.

iii) During a telephone call on May 2, 2001, as the result of an apparent administrative error, you inadvertently instructed Morrison & Foerster not to take any action regarding the Patent Application. The instructions were inadvertent because prior to this telephone call, the Patent Application was the subject of a transaction for sale and had value to Corvascular. At no time subsequent to the telephone call did Corvascular consider the Patent Application to lose this value.

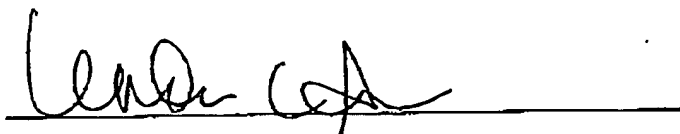
iv) In early November, 2001, in discussing the transaction for the sale of the Patent Application, you were informed that the Patent Application had been abandoned

**MORRISON & FOERSTER LLP**

Linda Ara  
November 19, 2001  
Page Two

for failure to respond to an outstanding Office Action due by February 3, 2001 (without extensions). As a result, you promptly instructed Morrison & Foerster to attempt to revive the Patent Application.

v) At no time after November 3, 2000, did Corvascular consider the Patent Application to be of insufficient value such that it did not desire to maintain an interest in prosecuting the Patent Application. At the time the Patent Application went abandoned it was the subject of a transaction for sale and Corvascular maintained an interest in prosecuting the Patent Application.



Linda Ara

11/10/01

Date

Sincerely,  
/s/ Sanjay S. Bagade

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JAN 09 2002

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